

Interview Summary

Application No.

09/884,894

Applicant(s)

O'Sullivan

Examiner

Deborah Ware

Art Unit

1651



All participants (applicant, applicant's representative, PTO personnel):

(1) Deborah Ware(3) David Provence(2) David Naff

(4) _____

Date of Interview Jul 17, 2003Type: a) ☒ Telephonic b) ☐ Video Conferencec) ☐ Personal [copy is given to 1) ☐ applicant 2) ☐ applicant's representative]Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No. If yes, brief description:Claim(s) discussed: 29, 41, 43, and 44

Identification of prior art discussed:

Yildirim et al. and/or Nisbet et al.Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.


Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Applicant's Representative urges that Nisbet et al. and Yildirim et al. do not teach Bifidobacteria that secrete a siderophore. Examiners pointed out that the siderophore of Yildirim which is a bacteriocin is a peptide and Applicants disclose that their siderophore is a peptide. Therefore, it appears that the bacteriocin of the prior art is a siderophore. With respect to Nisbet et al. since Salmonella is inhibited it appears that a siderophore is also secreted by the Bifidobacteria disclosed therein. Present claims do not require siderophore to have any function. Examiners suggested claimed siderophore to have a function by inhibiting bacteria that cited references do not inhibit. Further, examiners mentioned that deposit requirement will be a revisited issue if claims are limited as noted above. Examiners indicated that scope rejection is still considered appropriate as well as art applied against present claims. Also examiners mentioned that claims appear to require a product of nature and claims should recite isolated to distinguish from a natural bifidobacteria since the same are found in nature.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached


DEBORAH K. WARE
PATENT EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required